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**Testimony of the Judicial Branch
Judiciary Committee Public Hearing
March 5, 2021**

H.B. 6355, An Act Concerning Risk Protection Orders or Warrants

Thank you for the opportunity to provide written testimony on behalf of the Judicial Branch regarding **H.B. 6355, *An Act Concerning Risk Protection Orders or Warrants***. The Judicial Branch has several operational concerns with the bill as proposed, however we are committed to working with the proponent to address these issues.

Section 1 of the bill expands who can apply for a risk warrant. This section prohibits law enforcement officials from making a complaint unless they have determined that no reasonable alternatives exist to protect the subject of the complaint from harming themselves or others, but this restriction does not apply to family or household members or medical professionals making similar complaints. Is that intentional? This section of the bill will create some resource issues, which could be partially mitigated if the Committee pushes the effective date back to January 1, 2022. This would give us the time necessary to update a number of forms, create new forms, and update our computer systems.

Additionally, the creation of a new “risk protection order” as it is currently drafted would present significant challenges. We would request clarification for many of the new procedures outlined by the bill. For example, would the family or household member or medical professional be required to conduct an investigation into

probable cause before filing a complaint, as is currently required by the state? If not, it is unclear how the applicants would be able to swear under oath that they have probable cause to believe someone is a risk to themselves or others. Additionally, in Section 1 (d) is it the proponent's intention for the state to have the burden to prove an order or warrant should remain in place if the state was not the initial applicant?

We look forward to working with the bill's proponents to clarify these issues and are committed to finding a workable solution. Thank you for your time and attention to this matter.